

104TH CONGRESS
1ST SESSION

H. R. 1771

To amend the requirements of the Federal Food, Drug, and Cosmetic Act
for the labeling of food for pesticides, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1995

Mr. WAXMAN introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To amend the requirements of the Federal Food, Drug,
and Cosmetic Act for the labeling of food for pesticides,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND REFERENCE.**

4 (A) SHORT TITLE.—This Act may be cited as the
5 “Pesticide Safety and Right-to-Know Act of 1995 ”.

6 (b) REFERENCE.—Whenever in this Act an amend-
7 ment or repeal is expressed in terms of an amendment
8 to, or repeal of, a section or other provision, the reference
9 shall be considered to be made to a section or other provi-
10 sion of the Federal Food, Drug, and Cosmetic Act.

1 **SEC. 2. RIGHT TO KNOW PROVISIONS.**

2 (a) NEW LABEL REQUIREMENT.—Section 403(q)(1)
3 (21 U.S.C. 343(q)(1)) is amended—

4 (1) by striking the period at the end of clause
5 (E) and inserting “, and”, and

6 (2) by adding at the end the following:

7 “(F) if pesticides containing known or probable
8 human carcinogens have been applied to the food,
9 the following notice: “Notice: Pesticides Containing
10 Known or Probable Human Carcinogens Have Been
11 Applied to This Food.”.

12 (b) CONFORMING AMENDMENT.—Section 403(q)(4)
13 (21 U.S.C. 343(q)(4)) is amended by inserting after
14 “1990” each place it appears the following: “or, in the
15 case of subparagraph (1)(F), the date of the enactment
16 of the Pesticide Safety and Right-to-Know Act of 1995”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall take effect upon the expiration of 18
19 months after the date of the enactment of this Act, except
20 that if a pesticide contains a substance that is designated
21 after such date as a known or probable human carcinogen,
22 such amendments shall, with respect to the label of food
23 to which such pesticide has been applied, take effect 12
24 months after such designation.

1 **SEC. 3. PROTECTION OF CHILDREN.**

2 Section 408 (21 U.S.C. 346a) is amended by adding
3 at the end the following:

4 “(p)(1) After 12 months after the date of the enact-
5 ment of the Pesticide Safety and Right-to-Know Act of
6 1995, the Administrator shall, before prescribing a toler-
7 ance for a pesticide chemical under this section, determine
8 in writing whether dietary exposure to the pesticide chemi-
9 cal under the tolerance being prescribed for the pesticide
10 chemical is reasonably anticipated to cause cancer, dam-
11 age to the developing neurological, immune, or reproduc-
12 tive systems, or other serious adverse health effects in any
13 child. The Administrator may not prescribe a tolerance for
14 a pesticide chemical if the Administrator determines that
15 dietary exposure to the pesticide chemical under such tol-
16 erance is reasonably anticipated to cause such effects in
17 any child.

18 “(2) In making a determination under subparagraph
19 (1), the Administrator shall implement the recommenda-
20 tions of the National Research Council in its 1993 report
21 entitled ‘Pesticides in the Diet of Infants and Children’.”.

22 **SEC. 4. BREAST CANCER AND REPRODUCTIVE DISORDER**
23 **PREVENTION.**

24 Section 408 (21 U.S.C. 346a), as amended by section
25 3, is amended by adding at the end the following:

1 “(q) After 12 months after the date of the enactment
2 of the Pesticide Safety and Right-to-Know Act of 1995,
3 the Administrator shall, before prescribing a tolerance for
4 a pesticide chemical under this section, determine in writ-
5 ing whether dietary exposure to the pesticide chemical
6 under the tolerance being prescribed for the pesticide
7 chemical is reasonably anticipated to cause breast cancer
8 or serious reproductive disorders in any person. The Ad-
9 ministrator may not prescribe a tolerance for a pesticide
10 chemical if the Administrator determines that dietary ex-
11 posure to the pesticide chemical under such tolerance is
12 reasonably anticipated to cause such effects in any
13 person.”.

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